

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Falahee

Conf. No.: 1949

Serial No.: 10/805,900

Group No.: 3733

Filed: March 22, 2004

Examiner: Mary Hoffman

For: POSTERIOR SPINAL RECONSTRUCTION SYSTEM

RESPONSE TO NON-FINAL OFFICE ACTION

Mail Stop AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed December 3, 2009, the Examiner's attention is directed to the following remarks.

Claims 1-7, 9-12 and 14-15 stand rejected under 35 U.S.C. §102(b) over Rogozinski, '682. The claims of this application are being resubmitted in unamended form on the grounds that the Applicant does not understand the Examiner's basis for the rejection. For example, claim 1 includes, among other limitations, a pair of inferior gliding arms extending downwardly from the lower portion of [a] plate on respective sides of [a] midline, each gliding arm having a longitudinal axis that extends away from the midline at an angle, [and] at least the first coupling providing a limited degree of axial movement of each gliding arm to facilitate flexion, extension, and lateral bending. The Examiner states that this is met by "FIG. 6" of Rogozinski, but Applicant cannot see how this is possible.

Figure 6 of Rogozinski has been reproduced below: